

UNITED STATES DISTRICT COURT

DISTRICT OF ALABAMA

OFFICE OF THE CLERK

POST OFFICE BOX 711

MONTGOMERY, ALABAMA 36101-0711

DEBRA P. HACKETT
CLERK

November 16, 2007

TELEPHONE
(334) 954-3610

Mr. Thomas K. Kahn, Clerk
USCA, Eleventh Circuit
56 Forsyth Street, NW
Atlanta, GA 30303

USDC No CV-07-T-138-E

USCA No. 07-13843-B

In Re: **ALONZO AUSTIN VS. MODERN WOODMAN OF AMERICA**

CERTIFICATE OF READINESS OF RECORD ON APPEAL

Pursuant to Fed.R.App.P. 11(c) the Clerk of the District Court for the Middle District of Alabama hereby certifies that, as shown on the enclosed index, the record is complete for purposes of this appeal. The record (including the transcript(s) or parts thereof designated for inclusion and all necessary exhibits) consists of:

2 Volume(s) of Pleadings

 Volume(s) of Transcripts

 Exhibits: Box: Binders: Envelopes;

 Other: SEAL Envelope (s) : PSI(s)

 Other:

Please acknowledge receipt on the enclosed copy of this letter.
Sincerely,

DEBRA P. HACKETT, Clerk

By: Yolanda Williams

cc: ALONZO AUSTIN
HOWARD F. BRYAN
CHARLES D. STEWART
GEORGE W. ROYER, JR.
DEBORAH HILL BIGGERS
JOSEPH C. ESPY, III
JACK B. HINTON, JR.
S. MARK DUKES

ALEX L. HOLTSFORD, JR.
KIMBERLY OWEN FEHL
ROBERT STORY
JOHN MICHAEL MANASCO
BETTIE J. CARMACK
STANLEY FITZGERALD GRAY
JASON ROBERT BUSHBY
JON HOWARD PATTERSON

VICTOR L. HAYSLIP

APPEAL, CLOSED, MAG+

**U.S. District Court
Alabama Middle District (Opelika)
CIVIL DOCKET FOR CASE #: 3:07-cv-00138-MHT-TFM
Internal Use Only**

Austin v. Modern Woodman of America et al (MAG+)
Assigned to: Honorable Myron H. Thompson
Referred to: Honorable Terry F. Moorer
Demand: \$2,000,000
Case in other court: 07-13843-BB
Cause: 42:1983 Civil Rights Act

Date Filed: 02/14/2007
Date Terminated: 07/18/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Alonzo Austin
Executor for the estate of Ruth H. Lewis

represented by **Alonzo Austin**
1321 Oliver-Carlis Rd.
Tuskegee, AL 36083
(334) 727-5476
PRO SE

V.

Defendant

Modern Woodman of America

represented by **Charles D. Stewart**
Spain & Gillon, L.L.C.
2117 Second Avenue, North
The Zinszer Building
Birmingham, AL 35203
205-328-4100
Fax: 205-324-8866
Email: cds@spain-gillon.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Alfonza Menefee
*Probate Judge, in his individual and
official capacities*

represented by **George W. Royer, Jr**
Lanier Ford Shaver & Payne PC
PO Box 2087
Huntsville, AL 35804-2087
256-535-1100
Fax: 533-9322
Email: gwr@lfsp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Howard F. Bryan***Circuit Judge, in his individual and official capacities*

represented by **Howard F. Bryan**
402 19th Ave. SW
Lanett, AL 36863
PRO SE

Defendant**Deborah H. Biggers***Attorney, in her individual and official capacities*

represented by **Deborah Hill Biggers**
Deborah Hill Biggers, Attorney at Law
113 East Rosa Parks Avenue
Tuskegee, AL 36083
334-727-0092
Fax: 334-727-7117
Email: debbig@debbig.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Fred Gray, Sr.***Attorney, in his individual and official capacities*

represented by **Joseph C. Espy, III**
Melton Espy & Williams, PC
PO Drawer 5130
Montgomery, AL 36103-5130
334-263-6621
Fax: 334-269-9515
Email: jespy@mewlegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Attorney Nathanson***in his individual and official capacities*

represented by **Joseph C. Espy, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Mason Manor**

represented by **Jack B. Hinton, Jr.**
Gidiere, Hinton, Herndon & Christman
904 Regions Tower
60 Commerce Street
Montgomery, AL 36104
334-834-9950
Fax: 334-834-1054
Email: dawn@ghhclaw.com
ATTORNEY TO BE NOTICED

Defendant

City of Tuskegee Police Department

represented by **Stephen Mark Dukes**
Nix Holtsford Gilliland Higgin &
Hitson, PC
P.O. Box 4128
Montgomery, AL 36103
334-215-8585
Fax: 334-215-7101
Email: mdukes@nixholtsford.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alex L. Holtsford, Jr.
Nix Holtsford Gilliland Higgins &
Hitson PC
PO Box 4128
Montgomery, AL 36103-4128
334-215-8585
Fax: 215-7101
Email: aholtsford@nixholtsford.com
ATTORNEY TO BE NOTICED

Defendant**Macon County Sheriff's Department**

represented by **George W. Royer, Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Montgomery City Police Department**

represented by **Kimberly Owen Fehl**
City of Montgomery
Legal Division
PO Box 1111
Montgomery, AL 36101-0111
334-241-2050
Fax: 241-2310
Email: kfehl@montgomeryal.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Robert Story**

*Dr., in his individual and official
capacities*

represented by **Robert Story**
802 Crawford Street
Tuskegee, AL 36083
PRO SE

Defendant

Alabama State Treasurer's Office

represented by **John Michael Manasco**
State of Alabama Treasury
P.O. Box 302510
State Capitol Building
600 Dexter Avenue Room S-106
Montgomery, AL 36130
334-353-0050
Fax: 334-353-0056
Email:
Mike.Manasco@treasury.alabama.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Alabama State Board of Licensure**

represented by **Bettie J. Carmack**
Alabama Attorney General's Office
11 South Union Street
Montgomery, AL 36130
334-353-5305
Fax: 334-242-2433
Email: bcarmack@ago.state.al.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Alabama Exchange Bank President
In his or her individual and official capacities

represented by **Stanley Fitzgerald Gray**
Gray Langford Sapp McGowan Gray & Nathanson
PO Box 830239
Tuskegee, AL 36083-0239
334-727-4830
Fax: 334-727-5877
Email: sgray@glsmgn.com
ATTORNEY TO BE NOTICED

Defendant

Robert Davis
in his individual and official capacities

represented by **Stanley Fitzgerald Gray**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**SouthTrust Bank**

represented by **Jason Robert Bushby**
Burr & Forman LLP
420 North 20th Street
Suite 3100
Birmingham, AL 35203

205-458-5260
Fax: 205-244-5761
Email: jbushby@burr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jon Howard Patterson
Burr & Forman LLP
3100 Wachovia Tower
420 N. 20th Street
Birmingham, AL 35203
205-458-5207
Fax: 205-244-5732
Email: jpatters@burr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Victor L Hayslip
Burr & Forman LLP
3100 Wachovia Tower
420 N 20th Street
Birmingham, AL 35203
205-251-3000
Fax: 205-458-5100
Email: vhayslip@burr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

SouthTrust Bank President
In his or her individual and official capacities

represented by **Jason Robert Bushby**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jon Howard Patterson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Victor L Hayslip
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Regions Bank

represented by **Jason Robert Bushby**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jon Howard Patterson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Victor L Hayslip
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Juanita K. Upshaw
In her individual and official capacities

represented by **Juanita K. Upshaw**
P.O. Box 830265
Tuskegee, AL 36083
PRO SE

Defendant

George Clay
in his individual and official capacities

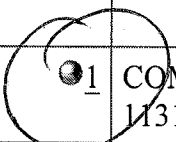
represented by **William Henry Brittain, II**
Ball Ball Matthews & Novak PA
PO Box 2148
Montgomery, AL 36102-2148
334-387-7680
Fax: 387-3222
Email: bbrittain@ball-ball.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Aetna Insurance Co.

represented by **Pamela B. Slate**
Slate Kennedy LLC
PO Box 388
Montgomery, AL 36101
334-262-3300
Fax: 334-262-3301
Email: pslate@slatekennedy.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

BEGIN VOL. 1 .

Date Filed	#	Docket Text
02/14/2007	 1	COMPLAINT against all defendants (Filing fee \$ 350.00 receipt number 113102.), filed by Alonzo Austin. (Attachments: # 1 Exhibit A# 2 Exhibit

CONT. VOL. 1 .

		B)(vma,) (Entered: 02/15/2007)
02/16/2007	<u>2</u>	ORDER REFERRING CASE to Magistrate Judge Wallace Capel, Jr for action or recommendation on all pretrial matters. Signed by Judge Myron H. Thompson on 2/16/07. (vma,) (Entered: 02/16/2007)
02/20/2007	<u>3</u>	Summons Issued as to City of Tuskegee Police Department, Macon County Sheriff's Department, Montgomery City Police Department, Robert Story, Alabama State Treasurer's Office, Alabama State Board of Licensure, Alabama Exchange Bank President, Robert Davis, SouthTrust Bank, SouthTrust Bank President, Regions Bank, Juanita K. Upshaw, George Clay, Modern Woodman of America, Alfonza Menefee, Howard F. Bryan, Deborah H. Biggers, Fred Gray, Sr, Attorney Nathanson, Mason Manor; summons and complaint mailed by cmrrr to named defendants. (vma,) (Entered: 02/20/2007)
02/22/2007	<u>4</u>	Summons Issued as to Aetna Insurance Co.; summons and complaint mailed by cmrrr to named defendant (vma,) (Entered: 02/23/2007)
02/22/2007	<u>5</u>	Return Receipt Card showing service of summons and complaint signed by S Davis for Alabama State Treasurer's Office served on 2/21/2007, answer due 3/13/2007. (vma,) (Entered: 02/23/2007)
02/22/2007	<u>6</u>	Return Receipt Card showing service of summons and complaint for City of Tuskegee Police Department signed by Charlie Bowen served on 2/21/2007, answer due 3/13/2007. (vma,) . (Entered: 02/23/2007)
02/22/2007	<u>7</u>	Return Receipt Card showing service of summons and complaint signed by Nichole Hoe for Mason Manor served on 2/21/2007, answer due 3/13/2007. (vma,) (Entered: 02/23/2007)
02/22/2007	<u>8</u>	Return Receipt Card showing service of summons and complaint signed by K. Nlorsen for Regions Bank served on 2/21/2007, answer due 3/13/2007. (vma,) (Entered: 02/23/2007)
02/22/2007	<u>9</u>	Return Receipt Card showing service of summons and complaint signed by Adam Clay for George Clay served on 2/22/2007, answer due 3/14/2007. (vma,) (Entered: 02/27/2007)
02/26/2007	<u>10</u>	Return Receipt Card showing service of summons and complaint signed by Stacy Jowers for Robert Story served on 2/22/2007, answer due 3/14/2007. (vma,) (Entered: 02/27/2007)
02/26/2007	<u>11</u>	Return Receipt Card showing service of summons and complaint signed by Loretta McCain for Macon County Sheriff's Department served on 2/21/2007, answer due 3/13/2007. (vma,) (Entered: 02/27/2007)
02/26/2007	<u>12</u>	Return Receipt Card showing service of summons and complaint signed by G. Tyson for Alfonza Menefee served on 2/22/2007, answer due 3/14/2007. (vma,) (Entered: 02/27/2007)
02/26/2007	<u>13</u>	Return Receipt Card showing service of summons and complaint signed by Clarice Moss for Alabama Exchange Bank President served on

CONT. VOL. 1 .

		2/21/2007, answer due 3/13/2007. (vma,) (Entered: 02/27/2007)
02/26/2007	14	Return Receipt Card showing service of summons and complaint signed by Derek Phillips for Juanita K. Upshaw served on 2/23/2007, answer due 3/15/2007. (vma,) (Entered: 02/27/2007)
02/26/2007	15	Return Receipt Card showing service of summons and complaint signed by C. Moss for Robert Davis served on 2/22/2007, answer due 3/14/2007. (vma,) (Entered: 02/27/2007)
02/26/2007	16	Return Receipt Card showing service of summons and complaint signed by Darryl Buchholz for Modern Woodman of America served on 2/23/2007, answer due 3/15/2007. (vma,) Modified on 2/27/2007 - to show file date is 2/26/07; not 2/26/06 (vma,). (Entered: 02/27/2007)
02/26/2007	17	Return Receipt Card showing service of summons and complaint signed by illegible for Alabama State Board of Licensure served on 2/22/2007, answer due 3/14/2007. (vma,) (Entered: 02/27/2007)
02/26/2007	18	Return Receipt Card showing service of summons and complaint signed by Sheila Heard for Howard F. Bryan served on 2/21/2007, answer due 3/13/2007. (vma,) (Entered: 02/27/2007)
02/26/2007	19	Return Receipt Card showing service of summons and complaint for Fred Gray, Sr served on 2/22/2007, answer due 3/14/2007; Attorney Nathanson served on 2/22/2007, answer due 3/14/2007. (vma,) (Entered: 02/27/2007)
02/28/2007	20	Summons Returned Unexecuted by Alonzo Austin as to Mason Manor; summons returned w/letter stating Mason Manor business is closed, etc. (vma,) (Entered: 02/28/2007)
03/01/2007		DISREGARD THIS DOCKET ENTRY - DOCKETED IN ERROR ***SHOULD HAVE BEEN DOCKETED IN 06cv699***Mail Returned as Undeliverable. Mail sent to Muhammad Al-Ameen; Order of 2/21/07 returned w/notation: return to sender; not at this address (vma,) Modified on 3/1/2007 (vma,). (Entered: 03/01/2007)
03/01/2007	21	Return Receipt Card showing service of summons and complaint signed by Richard Ferman for Aetna Insurance Co. served on 2/26/2007, answer due 3/19/2007. (vma,) (Entered: 03/01/2007)
03/02/2007	22	SUMMONS Returned Executed as to Macon County Sheriff Department. (dmn) (Entered: 03/05/2007)
03/07/2007	23	Return Receipt Card showing service of summons & complaint signed by Whitnie Helms for SouthTrust Bank served on 3/6/2007, answer due 3/26/2007. (dgy,) (Entered: 03/07/2007)
03/07/2007	24	Return Receipt Card showing service of summons & complaint signed by Whitnie Helms for SouthTrust Bank President served on 3/6/2007, answer due 3/26/2007. (dgy,) (Entered: 03/07/2007)

CONT. VOL. 1.

03/12/2007	<u>25</u>	MOTION to Dismiss by Fred Gray, Sr., Attorney Nathanson, (w/affidavits attached) (Espy, Joseph) Modified on 3/13/2007 - to add Attorney Nathanson as additional filer & to show affidavits attached)(vma,). (Entered: 03/12/2007)
03/12/2007	<u>26</u>	STRICKEN FROM THE DOCKET - FILED IN ERROR - DUPLICATION OF DOC. <u>25</u> *** MOTION to Dismiss by Attorney Nathanson. (Espy, Joseph) Modified on 3/13/2007 (vma,). Modified on 3/13/2007 (vma,). (Entered: 03/12/2007)
03/12/2007	<u>27</u>	MOTION to Dismiss of <i>Macon County Public Judge Alfonza Menefee</i> by Alfonza Menefee. (Royer, George) (Entered: 03/12/2007)
03/12/2007	<u>28</u>	BRIEF/MEMORANDUM in Support re <u>27</u> MOTION to Dismiss of <i>Macon County Public Judge Alfonza Menefee</i> filed by Alfonza Menefee. (Royer, George) (Entered: 03/12/2007)
03/12/2007	<u>29</u>	MOTION to Dismiss <i>Defendant Designated as "Macon County Sheriff Dept."</i> by Macon County Sheriff's Department. (Royer, George) (Entered: 03/12/2007)
03/12/2007	<u>30</u>	BRIEF/MEMORANDUM in Support re <u>29</u> MOTION to Dismiss <i>Defendant Designated as "Macon County Sheriff Dept."</i> filed by Macon County Sheriff's Department. (Royer, George) (Entered: 03/12/2007)
03/13/2007		NOTICE of Docket Text Correction re <u>25</u> MOTION to Dismiss - Modified on 3/13/2007 - to add Attorney Nathanson as additional filer & to show affidavits attached) (No PDF attached to this notice)(vma,) (Entered: 03/13/2007)
03/13/2007		(Court only) ***Motions terminated: <u>26</u> MOTION to Dismiss filed by Attorney Nathanson***This motion was filed in error & stricken from the docket. (No PDF attached)(vma,) (Entered: 03/13/2007)
03/13/2007	<u>31</u>	NOTICE of ERROR re <u>26</u> Motion to Dismiss (vma,) (Entered: 03/13/2007)
03/13/2007	<u>32</u>	MOTION to Dismiss by Regions Bank. (Hayslip, Victor) (Entered: 03/13/2007)
03/13/2007	<u>33</u>	MOTION to Dismiss by SouthTrust Bank, SouthTrust Bank President. (Hayslip, Victor) (Entered: 03/13/2007)
03/13/2007	<u>34</u>	MOTION to Dismiss and Memorandum of Law In Support Thereof by Alabama Exchange Bank President, Robert Davis. (Gray, Stanley) Modified on 3/14/2007 - to add Robert Davis as additional filer(vma,). (Entered: 03/13/2007)
03/13/2007		*** Attorney Jon Howard Patterson for Regions Bank, Jason Robert Bushby for Regions Bank added - per doc. <u>32</u> . (No PDF attached)(vma,) (Entered: 03/14/2007)

CONT. VOL. 1.

03/13/2007	●	*** Attorney Jon Howard Patterson for SouthTrust Bank and SouthTrust Bank President, Jason Robert Bushby for SouthTrust Bank and SouthTrust Bank President added - per doc. <u>33</u> . (No PDF attached)(vma,) (Entered: 03/14/2007)
03/13/2007	●	*** Attorney Stanley Fitzgerald Gray for Robert Davis added - per doc. <u>34</u> . (No PDF attached)(vma,) (Entered: 03/14/2007)
03/13/2007	●	MEMORANDUM in Support re <u>34</u> MOTION to Dismiss filed by Alabama Exchange Bank President, Robert Davis. (No PDF attached; contained within doc. <u>34</u>)(vma,) (Entered: 03/14/2007)
03/14/2007	●	NOTICE of Docket Text Correction re <u>34</u> MOTION to Dismiss <i>and Memorandum of Law In Support Thereof</i> - Modified on 3/14/2007 - to add Robert Davis as additional filer. (No PDF attached to this notice)(vma,) (Entered: 03/14/2007)
03/14/2007	● <u>35</u>	Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to Regions Bank; SouthTrust Bank Corporate Disclosures due by 3/28/2007. (Attachments: # <u>1</u> standard order)(vma,) Additional attachment(s) added on 3/14/2007 (vma,). (Entered: 03/14/2007)
03/14/2007	● <u>36</u>	NOTICE of Correction attaching corrected PDF (w/corrected style of case) re <u>35</u> Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement, (Attachments: # <u>1</u> corrected PDF)(vma,) (Entered: 03/14/2007)
03/15/2007	●	Case Reassigned to Judge Charles S. Coody. Judge Wallace Capel, Jr no longer assigned to the case as referral judge. (vma,) (Entered: 03/15/2007)
03/15/2007	● <u>37</u>	MOTION to Dismiss by Modern Woodman of America. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7# <u>8</u> Exhibit 8# <u>9</u> Exhibit 9# <u>10</u> Exhibit 10# <u>11</u> Exhibit 11# <u>12</u> Exhibit 12# <u>13</u> Exhibit 13# <u>14</u> Exhibit 14# <u>15</u> Exhibit 15# <u>16</u> Exhibit 16# <u>17</u> Exhibit 17# <u>18</u> Exhibit 18# <u>19</u> Exhibit 19# <u>20</u> Exhibit 20# <u>21</u> Exhibit 21# <u>22</u> Exhibit 22# <u>23</u> Exhibit 23)(Stewart, Charles) (Entered: 03/15/2007)
03/15/2007	● <u>40</u>	Summons Returned Unexecuted by Alonzo Austin as to Deborah H. Biggers; summons and complaint returned unexcuted w/notation: returned to sender; unclaimed*** (Clerk's office put incorrect name on green card - correction to green card & alias summons will be issued for dft). (vma,) (Entered: 03/16/2007)
03/16/2007	● <u>38</u>	Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to Modern Woodman of America Corporate Disclosures due by 3/30/2007. (Attachments: # <u>1</u> standing order)(vma,) (Entered: 03/16/2007)
03/16/2007	● <u>39</u>	NOTICE of Appearance by John Michael Manasco on behalf of Alabama State Treasurer's Office (Manasco, John) (Entered: 03/16/2007)

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03/16/2007	<u>41</u>	MOTION to Dismiss by Montgomery City Police Department. (Fehl, Kimberly) (Entered: 03/16/2007)
03/16/2007	<u>42</u>	Alias Summons issued as to Deborah H. Biggers; alias summons and complaint mailed by cmrrr to named defendant. (vma,) (Entered: 03/16/2007)
03/19/2007	<u>43</u>	NOTICE by Modern Woodman of America <i>Defendant's Rule 7.1 Disclosure Statement</i> (Stewart, Charles) (Entered: 03/19/2007)
03/19/2007		(Court only) ***Deadlines terminated for Corp/Conflict Disclosure Statement for dft Modern Woodment of America - per doc. <u>43</u> . (No PDF attached)(vma,) (Entered: 03/20/2007)
03/21/2007	<u>44</u>	ORDER TO SHOW CAUSE as to why <u>37</u> Motion to Dismiss, filed by Modern Woodman of America, should not be granted. Show Cause Response due by 4/5/2007. Signed by Judge Charles S. Coody on 3/21/07. (vma,) (Entered: 03/21/2007)
03/21/2007	<u>45</u>	ORDER TO SHOW CAUSE as to why <u>41</u> Motion to Dismiss filed by Montgomery City Police Department, should not be granted. Show Cause Response due by 4/5/2007. Signed by Judge Charles S. Coody on 3/21/07. (vma,) (Entered: 03/21/2007)
03/21/2007	<u>46</u>	MOTION to Dismiss of <i>Aetna Insurance Company of Connecticut, Incorrectly Served as Aetna Insurance Co., not by Aetna Insurance Co..</i> (Attachments: # <u>1</u> Exhibit A - Affidavit of Tarleton David Williams, Jr. w/ Exhibits 1 & 2)(Slate, Pamela) (Entered: 03/21/2007)
03/21/2007	<u>47</u>	Corporate/Conflict Disclosure Statement by Aetna Insurance Co.. (Slate, Pamela) (Entered: 03/21/2007)
03/23/2007	<u>48</u>	AFFIDAVIT <i>Supplemental Affidavit of Judy Gackle in Support of the <u>37</u> Motion to Dismiss of Defendant, Modern Woodmen of America</i> by Modern Woodman of America (w/Exhibit A attached). (Stewart, Charles) Modified on 3/26/2007 - to create relationship to doc. <u>37</u> motion to dismiss(vma,). (Entered: 03/23/2007)
03/23/2007	<u>49</u>	MOTION to Dismiss by Alabama State Board of Licensure. (Carmack, Bettie) (Entered: 03/23/2007)
03/23/2007	<u>50</u>	MOTION to Dismiss by Alabama State Treasurer's Office. (Attachments: # <u>1</u> # <u>2</u> # (3) # <u>4</u> # <u>5</u> # <u>6</u>)(Manasco, John) Additional attachment(s) added on 3/26/2007 (vma,). Additional attachment(s) added on 3/26/2007 (vma,). (Entered: 03/23/2007)
03/26/2007	<u>51</u>	NOTICE of Docket Text Correction re <u>48</u> Affidavit - Modified on 3/26/2007 - to create relationship to doc. <u>37</u> motion to dismiss (No PDF attached to this notice)(vma,) (Entered: 03/26/2007)
03/26/2007	<u>51</u>	NOTICE of Correction attaching corrected PDF (w/corrected cert of service) re <u>50</u> MOTION to Dismiss (Attachments: # <u>1</u> corrected pdf)(vma,) (Entered: 03/26/2007)

03/26/2007	●52	NOTICE of Correction attaching corrected PDF (Exhibit 3) re 50 MOTION to Dismiss (Attachments: # <u>1</u> corrected pdf)(vma,) (Entered: 03/26/2007)
03/27/2007	●53	ORDER TO SHOW CAUSE as to why <u>46</u> Motion to Dismiss filed by Aetna Insurance Co.,, <u>49</u> Motion to Dismiss filed by Alabama State Board of Licensure,, <u>50</u> Motion to Dismiss filed by Alabama State Treasurer's Office, should not be granted. Show Cause Response due by 4/11/2007. Signed by Judge Charles S. Coody on 3/27/07. (vma,) (Entered: 03/27/2007)
03/27/2007	●54	Corporate/Conflict Disclosure Statement by SouthTrust Bank. (Hayslip, Victor) (Entered: 03/27/2007)
03/27/2007	●55	ORDER TO SHOW CAUSE as to why <u>25</u> Motion to Dismiss filed by Fred Gray, Sr., Attorney Nathanson, should not be granted. Show Cause Response due by 4/11/2007. Signed by Judge Charles S. Coody on 3/27/07. (vma,) (Entered: 03/27/2007)
03/27/2007	●56	Corporate/Conflict Disclosure Statement by Regions Bank re <u>35</u> Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement,, (Hayslip, Victor) (Entered: 03/27/2007)
03/29/2007	●57	ORDER TO SHOW CAUSE as to why <u>32</u> Motion to Dismiss filed by Regions Bank,, <u>33</u> Motion to Dismiss filed by SouthTrust Bank,, SouthTrust Bank President, should not be granted. Show Cause Response due by 4/13/2007. Signed by Judge Charles S. Coody on 3/29/07. (vma,) (Entered: 03/29/2007)
03/30/2007	●58	MOTION to Dismiss by Mason Manor. (Hinton, Jack) (Entered: 03/30/2007)
04/02/2007	●	Mail Returned as Undeliverable. Mail sent to George Clay; Order of 3/29/07 returned w/notation: returned to sender; not deliverable as address; unable to forward (vma,) (Entered: 04/03/2007)
04/03/2007	●59	Joint MOTION to Extend response deadline by Juanita K. Upshaw. (vma,) (Entered: 04/04/2007)
04/03/2007	●60	ANSWER to Complaint by Juanita K. Upshaw.(vma,) (Entered: 04/04/2007)
04/04/2007	●61	ORDER TO SHOW CAUSE as to why <u>58</u> Motion to Dismiss filed by Mason Manor, should not be granted. Show Cause Response due by 4/19/2007. Signed by Judge Charles S. Coody on 4/4/07. (vma,) (Entered: 04/04/2007)
04/04/2007	●62	MOTION for Summary Judgment by Alonzo Austin. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(vma,) (Entered: 04/04/2007)
04/04/2007	●	RESPONSE to Motion re <u>46</u> MOTION to Dismiss of <i>Aetna Insurance Company of Connecticut, Incorrectly Served as Aetna Insurance Co., not, <u>32</u> MOTION to Dismiss, <u>41</u> MOTION to Dismiss, <u>33</u> MOTION to</i>

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		Dismiss, <u>29</u> MOTION to Dismiss <i>Defendant Designated as "Macon County Sheriff Dept."</i> , <u>37</u> MOTION to Dismiss, <u>49</u> MOTION to Dismiss, <u>58</u> MOTION to Dismiss, <u>34</u> MOTION to Dismiss <i>and Memorandum of Law In Support Thereof</i> , <u>27</u> MOTION to Dismiss <i>of Macon County Public Judge Alfonza Menefee</i> , <u>50</u> MOTION to Dismiss, <u>25</u> MOTION to Dismiss filed by Alonzo Austin. (No PDF attached; contained within doc. <u>62</u>)(vma,) (Entered: 04/04/2007)
04/04/2007	<u>63</u>	MOTION for Summary Judgment by Alonzo Austin. (Attachments: # <u>1</u> Exhibit A)(vma,) (Entered: 04/04/2007)
04/04/2007		RESPONSE to Motion re <u>46</u> MOTION to Dismiss <i>of Aetna Insurance Company of Connecticut, Incorrectly Served as Aetna Insurance Co., not</i> , <u>32</u> MOTION to Dismiss, <u>41</u> MOTION to Dismiss, <u>33</u> MOTION to Dismiss, <u>29</u> MOTION to Dismiss <i>Defendant Designated as "Macon County Sheriff Dept."</i> , <u>37</u> MOTION to Dismiss, <u>49</u> MOTION to Dismiss, <u>58</u> MOTION to Dismiss, <u>34</u> MOTION to Dismiss <i>and Memorandum of Law In Support Thereof</i> , <u>27</u> MOTION to Dismiss <i>of Macon County Public Judge Alfonza Menefee</i> , <u>50</u> MOTION to Dismiss, <u>25</u> MOTION to Dismiss filed by Alonzo Austin. (No PDF attached; contained within doc. <u>63</u>)(vma,) (Entered: 04/04/2007)
04/04/2007	<u>64</u>	Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to Mason Manor Corporate Disclosures due by 4/18/2007. (Attachments: # <u>1</u> standing order)(vma,) (Entered: 04/04/2007)
04/09/2007		Mail Returned as Undeliverable. Mail sent to George Clay; Order of 4/4/07 returned w/notation: returned to sender; no such number (vma,) (Entered: 04/10/2007)
04/10/2007	<u>65</u>	MOTION to Stay <i>Pending Resolution of Motions to Dismiss</i> by Macon County Sheriff's Department, Alfonza Menefee. (Royer, George) (Entered: 04/10/2007)
04/10/2007	<u>66</u>	NOTICE by Macon County Sheriff's Department, Alfonza Menefee re <u>65</u> MOTION to Stay <i>Pending Resolution of Motions to Dismiss of Filing of Attachment to Motion to Stay</i> (Royer, George) (Entered: 04/10/2007)
04/10/2007	<u>67</u>	ORDER TO SHOW CAUSE as to why <u>29</u> Motion to Dismiss filed by Macon County Sheriff's Department,, <u>27</u> Motion to Dismiss filed by Alfonza Menefee, should not be granted. Show Cause Response due by 4/24/2007.. Signed by Judge Charles S. Coody on 4/10/07. (vma,) (Entered: 04/10/2007)
04/10/2007	<u>68</u>	ORDER granting <u>59</u> Motion for Extension to and including 4/25/07, to file any pleadings or dispositive motions in response to the plaintiff's complaint . Signed by Judge Charles S. Coody on 4/10/07. (vma,) (Entered: 04/10/2007)
04/10/2007	<u>69</u>	Corporate/Conflict Disclosure Statement by Mason Manor re <u>64</u> Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement. (Hinton, Jack) (Entered: 04/10/2007)

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04/10/2007	<u>70</u>	MOTION for Summary Judgment (re: AL State Bd of License) by Alonzo Austin (w/Exhibit A attached). (vma,) Modified on 4/10/2007 (vma,). (Entered: 04/10/2007)
04/10/2007		RESPONSE to Motion re <u>49</u> MOTION to Dismiss filed by Alonzo Austin. (No PDF attached; contained within doc. <u>70</u> (vma,) (Entered: 04/10/2007)
04/10/2007	<u>71</u>	MOTION for Summary Judgment (re: John Wilson) by Alonzo Austin (w/Exh A attached). (vma,) (Entered: 04/10/2007)
04/10/2007	<u>72</u>	MOTION for Summary Judgment (re: Kay Ivey, State of AL Treasurer) by Alonzo Austin (w/Exh attached). (vma,) Modified on 4/10/2007 (vma,). (Entered: 04/10/2007)
04/10/2007		RESPONSE to Motion re <u>50</u> MOTION to Dismiss filed by Alonzo Austin. (No PDF attached; contained within doc. <u>72</u>)(vma,) (Entered: 04/10/2007)
04/10/2007	<u>73</u>	MOTION for Summary Judgment (re: Menefee) by Alonzo Austin (w/Exh A attached). (vma,) (Entered: 04/10/2007)
04/10/2007		RESPONSE to Motion re <u>27</u> MOTION to Dismiss of <i>Macon County Public Judge Alfonza Menefee</i> filed by Alonzo Austin. (No PDF attached; contained within doc. <u>73</u>)(vma,) (Entered: 04/10/2007)
04/10/2007	<u>74</u>	MOTION for Summary Judgment (re: Fred Gray) by Alonzo Austin (w/Exh A attached). (vma,) Modified on 4/10/2007 (vma,). (Entered: 04/10/2007)
04/10/2007		RESPONSE to Motion re <u>25</u> MOTION to Dismiss filed by Alonzo Austin. (No PDF attached; contained within doc. <u>74</u>) (vma,) (Entered: 04/10/2007)
04/10/2007	<u>75</u>	MOTION for Summary Judgment (re: Nathanson) by Alonzo Austin (w/Exh A attached). (vma,) (Entered: 04/10/2007)
04/10/2007		RESPONSE to Motion re <u>25</u> MOTION to Dismiss filed by Alonzo Austin. (No PDF attached; contained within doc. <u>75</u>)(vma,) (Entered: 04/10/2007)
04/10/2007	<u>76</u>	MOTION for Summary Judgment (re: Manson Manor) by Alonzo Austin (w/Exh A attached). (vma,) (Entered: 04/10/2007)
04/10/2007		RESPONSE to Motion re <u>58</u> MOTION to Dismiss filed by Alonzo Austin. (No PDF attached; contained within doc. <u>76</u>)(vma,) (Entered: 04/10/2007)
04/10/2007	<u>77</u>	MOTION for Summary Judgment (re: Regions Bank) by Alonzo Austin (w/Exh A attached). (vma,) Additional attachment(s) added on 4/10/2007 (vma,). (Entered: 04/10/2007)
04/10/2007	<u>78</u>	NOTICE of Correction attaching corrected PDF re <u>77</u> MOTION for Summary Judgment (Attachments: # <u>1</u> corrected PDF)(vma,) (Entered: 04/10/2007)
04/10/2007		RESPONSE to Motion re <u>33</u> MOTION to Dismiss filed by Alonzo Austin. (No PDF attached; contained within doc. <u>71</u>)(vma,) (Entered: 04/11/2007)

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04/10/2007	●	RESPONSE to Motion re <u>32</u> MOTION to Dismiss filed by Alonzo Austin. (No PDF attached; contained within doc. <u>77</u>)(vma,) (Entered: 04/11/2007)
04/12/2007	●79	REPLY to Response to Motion re <u>37</u> MOTION to Dismiss filed by Modern Woodman of America. (Stewart, Charles) (Entered: 04/12/2007)
04/13/2007	●80	Return Receipt Card showing service of alias summons and complaint signed by Deborah H. Biggers for Deborah H. Biggers served on 4/12/2007, answer due 5/2/2007. (vma,) (Entered: 04/16/2007)
04/20/2007	●81	MOTION for Summary Judgment (Re: Probate Judge: Alfonza Menefee) by Alonzo Austin. (vma,) (Entered: 04/23/2007)
04/20/2007	●	RESPONSE to Motion re <u>27</u> MOTION to Dismiss of <i>Macon County Public Judge Alfonza Menefee</i> filed by Alonzo Austin. (No PDF attached; contained within doc. <u>81</u> (vma,) (Entered: 04/23/2007)
04/20/2007	●82	MOTION for Summary Judgment (Re: Macon County Sheriff) by Alonzo Austin. (vma,) Modified on 4/23/2007 (vma,). (Entered: 04/23/2007)
04/20/2007	●	RESPONSE to Motion re <u>29</u> MOTION to Dismiss <i>Defendant Designated as "Macon County Sheriff Dept."</i> filed by Alonzo Austin. (No PDF attached; contained within doc. <u>82</u>)(vma,) (Entered: 04/23/2007)
04/23/2007	●83	ORDER that on or before 5/7/07, the plaintiff and defendants Modern Woodman of America and the Alabama State Treasurer's Office shall advise the court whether the plaintiff subsequently filed a claim for the unclaimed property at issue in this case with the Alabama State Treasurer's Office and any effect his filing or his failure to file such a claim for funds has on his claims against Modern Woodman of America and the Alabama State Treasurer's Office in this federal lawsuit. Signed by Judge Charles S. Coody on 4/23/07. (vma,) (Entered: 04/23/2007)
04/24/2007	●84	RESPONSE in Opposition re <u>72</u> MOTION for Summary Judgment filed by Alabama State Treasurer's Office. (Manasco, John) (Entered: 04/24/2007)
04/26/2007	●85	MOTION to Dismiss by Deborah H. Biggers. (vma,) (Entered: 04/26/2007)
04/27/2007	●86	Response to Order re <u>83</u> Order,, by Alonzo Austin. (vma,) (Entered: 04/27/2007)
04/30/2007	●87	Response to Order of April 23, 2007 by Modern Woodman of America. (Stewart, Charles) (Entered: 04/30/2007)
05/02/2007	●88	Response to Order re <u>83</u> Order,, by Alabama State Treasurer's Office. (Manasco, John) (Entered: 05/02/2007)
05/17/2007	●89	MOTION to Dismiss by George Clay. (Brittain, William) (Entered: 05/17/2007)
05/18/2007	●	Case Reassigned to Judge Terry F. Moorer. Judge Charles S. Coody no longer assigned to the case as referral judge. (vma,) (Entered: 05/18/2007)

05/23/2007	<u>90</u>	REPORT AND RECOMMENDATIONS it is the Recommendation of the Mag Judge that: 1) The Alabama Bd of Medical Licensure's motion to dismiss <u>49</u> be granted; 2) The Alabama State Treasury's motion to dismiss <u>50</u> be granted; 3) The 1983 claims against the remaining dfts be dismissed as frivolous as further set out; 4) Austin's supplemental state law claims be dismissed without prejudice; 5) The motions re <u>25</u> , <u>27</u> , <u>29</u> , <u>32</u> , <u>33</u> , <u>34</u> , <u>37</u> , <u>41</u> , <u>46</u> , <u>58</u> & <u>85</u> MOTIONS to Dismiss be denied as moot; 6) The motion to stay <u>65</u> be denied as moot; 7) This case be dismissed; 8) Any remaining outstanding motions be denied as moot; Objections to R&R due by 6/5/2007. Signed by Judge Terry F. Mooror on 5/23/07. (vma,) (Entered: 05/23/2007)
05/23/2007	<u>91</u>	MOTION to Quash Service by Howard F. Bryan. (Attachments: # <u>1</u> affidavit of Howard F. Bryan)(vma,) (Entered: 05/24/2007)
05/24/2007	<u>92</u>	MOTION to Dismiss <i>and Memorandum of Law</i> by City of Tuskegee Police Department. (Holtsford, Alex) (Entered: 05/24/2007)
05/24/2007		***Attorney S. Mark Dukes for City of Tuskegee Police Department added - per doc. <u>92</u> . (No PDF attached)(vma,) (Entered: 05/25/2007)
06/05/2007	<u>93</u>	OBJECTION to <u>90</u> Report and Recommendations by Alonzo Austin. (vma,) (Entered: 06/05/2007)
06/12/2007	<u>94</u>	SUPPLEMENTAL REPORT AND RECOMMENDATIONS re <u>1</u> Complaint filed by Alonzo Austin, it is the Recommendation of the Mag Judge that: 1) The 1983 claims against the Defendant Howard F. Bryan be dismissed pursuant to 28 USC 1915(e)(2)(B)(i) - (ii) as he is entitled to absolute judicial immunity; 2) The <u>91</u> MOTION to Quash Service filed by Howard F. Bryan be denied as moot; 3) This case be dismissed; 4) Any remaining outstanding motions be denied as moot. Objections to R&R due by 6/25/2007. Signed by Judge Terry F. Mooror on 6/12/07. (vma,) Modified on 6/12/2007 - to add SUPPLEMENTAL to text (vma,). (Entered: 06/12/2007)
06/12/2007		NOTICE of Docket Text Correction re <u>94</u> REPORT AND RECOMMENDATIONS re <u>1</u> Complaint filed by Alonzo Austin, - Modified on 6/12/2007 - to add SUPPLEMENTAL to text. (No PDF attached to this notice)(vma,) (Entered: 06/12/2007)
06/22/2007	<u>95</u>	OBJECTION to <u>94</u> Supplemental Report and Recommendations by Alonzo Austin. (cc,) (Entered: 06/25/2007)
07/18/2007	<u>96</u>	OPINION . Signed by Judge Myron H. Thompson on 7/18/07. (Attachments: # <u>1</u> appeals checklist)(vma,) (Entered: 07/18/2007)
07/18/2007	<u>97</u>	JUDGMENT it is the Order, Judgment, and Decree of the court as follows: 1) Plaintiff's objections docs. <u>93</u> , <u>95</u> are overruled; 2) The US Mag Judge's recommendations docs. no. <u>90</u> , <u>94</u> are adopted ; 3) Motions to dismiss docs <u>49</u> & <u>50</u> are granted; 4) The federal claims are dismissed pursuant to 28 USC 1915(e); 5) The state-law claims are dismissed

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		without prejudice; 6) All remaining motions are denied as moot; 7) This lawsuit is dismissed in its entirety; It is further Ordered that costs are taxed against plaintiff, for which execution may issue; The Clerk of the Court is directed to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the FRCP.. Signed by Judge Myron H. Thompson on 7/18/07. (Attachments: # <u>1</u> appeals checklist)(vma,) (Entered: 07/18/2007)
07/26/2007	● <u>98</u>	MOTION for New Trial by Alonzo Austin. (vma,) (Entered: 07/27/2007)
07/26/2007	●	MOTION to Amend <u>97</u> Judgment, FRCP 59 by Alonzo Austin. (No PDF attached; contained within doc. <u>98</u>)(vma,) (Entered: 07/27/2007)
07/27/2007	●	Motions No Longer Referred to Judge Moorer: MOTION to Amend/Correct <u>97</u> Judgment, <u>98</u> MOTION for New Trial (No PDF attached)(vma,) (Entered: 07/27/2007)
07/30/2007	● <u>99</u>	ORDER denying <u>98</u> Motion for New Trial and, denying Motion to Amend. Signed by Judge Myron H. Thompson on 7/30/07. (vma,) (Entered: 07/30/2007)
08/16/2007	● <u>100</u>	NOTICE OF APPEAL by Alonzo Austin from the <u>96</u> Opinion and <u>97</u> Judgment entered 7/18/2007. Copies mailed. (dmn) (Entered: 08/16/2007)
08/16/2007	● <u>101</u>	USCA Appeal Fees received, \$455 receipt number 4602000159 re <u>100</u> Notice of Appeal filed by Alonzo Austin. (dmn) (Entered: 08/16/2007)
08/17/2007	●	Transmission of Notice of Appeal and certified copy of Docket Sheet and order to US Court of Appeals re <u>100</u> Notice of Appeal. (dmn) (Entered: 08/17/2007)
08/24/2007	● <u>102</u>	USCA Case Number 07-13843-BB for <u>100</u> Notice of Appeal filed by Alonzo Austin. (dmn) (Entered: 08/27/2007)
08/27/2007	● <u>103</u>	RECEIVED TRANSCRIPT REQUEST FORM from PRO SE PLAINTIFF Alonzo Austin re <u>100</u> Notice of Appeal with the following notation, "No hearing." (dmn) (Entered: 08/28/2007)

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